

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMANDA CIGANIK,	:	CASE NO.: 2:09-cv-00621
Plaintiff,	:	Judge William L. Standish
vs.	:	
GC SERVICES LIMITED PARTNERSHIP,:		
Defendant.	:	

DEFENDANT'S MOTION TO DEEM REQUESTS ADMITTED

Now comes Defendant and pursuant to Federal Civil Rule 36, requests that this Court deem Defendant's Requests for Admission served to Plaintiff as admitted. This motion is supported by the attached memorandum.

Respectfully submitted,

/s/ Mackenzie A. Baird
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MEMORANDUM

Plaintiff contends that Defendant violated the Fair Debt Collection Practices Act by communicating with third parties about a debt, failing to identify the Defendant or the purpose of telephone calls in messages left on Plaintiff's answering machine, and unfair or unconscionable means in the collection of a debt. Plaintiff bases her allegations on several alleged telephone calls by Defendant between December 13, 2008 and December 20, 2008.

On August 11, 2009, Defendant propounded its Requests for Admissions to Plaintiff to be answered within thirty (30) days in accordance with the requirements of Federal Civil Rule 36. *See* Exhibit A attached hereto. To date, Plaintiff has neither responded to Defendant's Requests for Admissions, nor sought an extension.

Fed. R. Civ. P. 36(a)(3) provides, in pertinent part:

A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the court. (Emphasis added.)

As such, the matters set forth in Defendant's Requests for Admissions are deemed admitted by Plaintiff for all purposes in the above captioned case. Accordingly, Defendant GC Services Limited Partnership respectfully requests that this Court issue an order deeming those matters admitted.

Dated: November 24, 2009

Respectfully submitted,

/s/ Mackenzie A. Baird

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GC SERVICES LIMITED PARTNERSHIP, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO DEEM REQUESTS ADMITTED was served upon the following counsel of record via the Court's CM/ECF system on the same date of filing:

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